THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 22524 of 2007

25-10-2007

Between:

Naushadussain @ Zulfiquar Hussain

Petitioner

And

The Greater Hyderabad Municipal Corporation of Hyderabad,
Rep., by its Commissioner Office at Tankbund, Hyderabad and another.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 22524 of 2007

Oral Order:

The petitioner assails the process of acquisition initiated by the second respondent for the purpose of road widening engendered by the first respondent.

The petitioner claims to be the tenant of shop No.22-5-282 Gulzar House, Kalikaman Road, Near Ali Complex, Hyderabad and to have entered into a rental agreement with the owner Sri Khaza Safi Ahmed. The petitioner

pleads that since 1995 he is pursuing Gas Stove repairing business in the premises. While so, the second respondent initiated land acquisition proceedings for the purpose of road widening and as a part of that process, notice in Form No.7 under Section 9 (3) and 10 of the Land Acquisition Act, 1894 (for short 'the Act') was issued and communicated to the owner. Since the petitioner has no publicly verifiable (registered) relationship of a tenant to the premises in question, the second respondent – acquisition authority -- did not recognize the petitioner as a person entitled to information regarding acquisition and was only dealing with the owner of the property whose name is also reflected in the Form No.7 notice.

As the property is sought to be acquired by following a lawful procedure and in accordance with the provisions of the Act, there is no justification for interdicting the process within the contours of law. If the petitioner seeks to claim any apportionment of compensation on the basis of any lawful entitlement for such compensation, the petitioner is at liberty to pursue the remedies before the acquisition authorities. There is no justification for interdicting the acquisition process as there is no violation of any substantive or procedural law in the impugned action.

For the aforesaid reasons, the writ petition fails and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated: 25-10-2007
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